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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------------|
| 10/523,555 | 09/12/2005 | Hans Ruf | VO-717 | 1186 |
| 42419 | 7590 | 10/04/2007 | | |
| PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD SUITE 365 HOFFMAN ESTATES, IL 60195 | | | EXAMINER NGUYEN, THUKHANH T | |
| | | | ART UNIT 1722 | PAPER NUMBER |
| | | | MAIL DATE 10/04/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|----------------------------------|--|
| Office Action Summary | Application No. 10/523,555 | Applicant(s) RUF, HANS | |
| | Examiner Thu Khanh T. Nguyen | Art Unit 1722 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification should not refer to the claim by number, for the number of the claim could be changed during the prosecution process.

Appropriate correction is required.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings seem to be missing from the file. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (pages 1-2) or over Ruf (5,873,304) over Parrish (5,018,955).

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The admitted prior art and Ruf disclose an apparatus for making powder material into briquettes, comprising a feed chute (2), a feeder device (3) with a charging screw (col. 3, lines 9-12), and a press ram (4) movable within a molding chamber (6).

However, the admitted prior art and Ruf fail to disclose that the charging device is attached to the press in an interchangeable manner.

Parrish discloses a molding apparatus for molding concrete curbing, comprising a hopper (6) having a flange (29) abutting a flange (28) of the mold in a detachable locking manner for cleaning or transportation purposes (col. 6, lines 34-44).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the admitted prior art or Ruf by providing a detachable feeding hopper as taught by Parrish in order to facilitate the cleaning process or for transportation purpose.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art or Ruf over Parrish as applied to claims 1 and 11 above, and further in view of Drosthholm et al (4,050,865).

The admitted prior art, Ruf and Parrish fails to disclose a screen opening at the charging device.

Drosthholm discloses a brick press having a first feed hopper (25) having a rotating screen located at the end section for screening the feeding material (col. 5, lines 2-5) into the next feed hopper.

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It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the admitted prior art or Ruf by providing a screen at the end of the feed hopper as taught by Drosthholm in order to sort out the material having a predetermined size before feeding them to the mold/pressing chamber.

In regard to the location and the shape of the screen, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the screen to have appropriate size/shape depending on the shape of the feeding hopper and/or the feeding channel and/or the pressing chamber. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. It has been held that by merely shifting the position of the parts without changing the operation of the mechanism will not render the claims patentable and the placement of the mechanism is an obvious matter of design choice. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950); *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

6. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art, Ruf, Parissh and Drosthholm as applied to claims 1-4 above, and further in view of Soavi (5,553,534).

The admitted prior art, Ruf, Parissh and Drosthholm fail to disclose two feeder screws are used for charging material from the hopper to the mold/compression chamber.

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Soavi discloses an apparatus for discharging, conveying and compacting bulk material, comprising a plurality of screw feeders (4) located at an angle to each other (Fig. 5) in order to prevent the bulk material from adopting a path around the circumference of the screw without moving forward and at the same time, to allow the material to be compacted and to be fed onwards in a direction parallel to the screw axis (col. 3, lines 15-26).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify the admitted prior art, or Ruf by providing a plurality of feed screws located at an angle as taught by Soavi in order to improve the feeding of the material and for pre-compacting while transfer the material from the feeder to the press chamber.

In regard to claims 5 and 8-9, wherein Parrish discloses that the feeding container is funnel-box shape (Fig. 1, 6).

In regard to claim 7, wherein Parrish's feeder (6) is attached to the press by a locking connection (28, 29 & col. 6, lines 34-44).

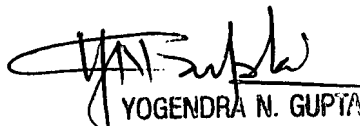
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TN


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